

REMARKS

In response to the Office Action mailed on May 2, 2006, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1, 16, and 21 have been amended, leaving Claims 1-21 for consideration upon entry of the present amendment. No new matter has been added by the amendments.

Support for Claim Amendments

The amendments to Claims 1, 16 and 21 are fully supported in Applicants' specification. See, for example, FIG. 6 and the accompanying description.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 1-3, 6-8, 10-13, 15-16, and 18-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,757,691, to Welsh et al. (hereinafter "Welsh"). Applicants respectfully traverse the rejection because all of the elements in Claims 1-3, 6-8, 10-13, 15-16, and 18-21 are not found, either expressly or inherently described, in Welsh.

Claim 1, as amended, recites "A method for providing delivery of segmented data files comprising: receiving a request to send a segmented data file to a target device; querying a directory for one or more segments included in said data file; for each said segment determining one or more source locations containing data bundles corresponding to said segment, wherein at least one of the segments included in said data file corresponds to a plurality of said source locations; selecting one said source location for each said segment; and transmitting said data bundle from each said selected source location to said target device." (Emphasis added.)

Welsh teaches predicting and presenting (via an Internet browser) content choices that are likely to be of interest to a user based on a degree of matching between a psychographic profile for the user and the available content. (Welsh; Abstract.) Welsh teaches that a single web page may be composed of several different files, potentially of different data types (for example, text, images, virtual worlds, sounds or movies). (Welsh; Col. 2, lines 5-8). A web page is not the same as a "segmented data file" as taught in Claim 1. Assuming, arguendo, that a web page is

the same as segmented data file, which it is not, Welsh still does not teach Claim 1 because it does not teach that “at least one of the segments included in said data file corresponds to a plurality of source locations” and “selecting one said source location for each said segment” as recited in Claim 1. In contrast, Welsh teaches that a user instructs a browser to access an HTML document, or web page, by specifying a network address at which the desired document resides. (Welsh; Col. 1, lines 63-66.) Further, Welsh teaches that a web page can include links, or pointers to other resources (for example, web pages or individual files) and that each link has an associated Uniform Resource Locator (URL) pointing to a location on the network. Welsh further teaches that when a user selects a displayed link, the browser retrieves the web page (or other resource) corresponding to the link. (Welsh; Col. 2, lines 8-15.) Welsh does not teach that “at least one of the segments included in said data file corresponds to a plurality of source locations” and “selecting one said source location for each said segment” as recited in Claim 1.

Therefore, Claim 1 is not anticipated by Welsh for at least the reason that Welsh fails to disclose, either expressly or inherently, the elements “at least one of the segments included in said data file corresponds to a plurality of source locations” and “selecting one said source location for each said segment”, as recited in Claim 1.

Since they contain similar features, Claims 16 and 21 are patentable over Welsh for at least the reasons given above for Claim 1. Claims 2-3, 6-8, 10-13, and 15 depend from Claim 1, and thus are believed to be allowable at least due to their dependency on Claim 1. Claims 18-20 depend from Claim 16, and thus are believed to be allowable at least due to their dependency on Claim 16.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 4 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Welsh as applied to Claims 1-3, 6-8, 10-13, 15-16 and 18-21 above, and further in view of U.S. Patent No. 6,862,594 to Saulpaugh (hereinafter “Saulpaugh”). Applicants respectfully traverse the rejection because Welsh in view of Saulpaugh fails to teach or suggest all of the elements in Claims 4 and 17.

As stated above, Welsh fails to disclose all of the elements of Claim 1, from which Claim 4 depends. In addition, Saulpaugh fails to teach or suggest at least the elements “at least one of the segments included in said data file corresponds to a plurality of source locations” and “selecting one said source location for each said segment”, as recited in Claim 1. Therefore, Saulpaugh does not cure the deficiencies of Welsh with respect to Claim 1. Accordingly, neither Welsh nor Saulpaugh, alone or in combination, teach or suggest all of the elements of Claim 1. Applicants submit that Claim 4 is allowable at least due to its dependency on Claim 1. Further, because it contains elements that are similar to the elements in Claim 4, Applicants submit that Claim 17 is allowable at least due to its dependency on Claim 16.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Welsh as applied to Claims 1-3, 6-8, 10-13, 15-16 and 18-21 above, and further in view of U.S. Patent Application Publication No. 2004/0236785 to Greiner (hereinafter “Greiner”). Applicants respectfully traverse the rejection because Welsh in view of Greiner fails to teach or suggest all of the elements in Claim 5.

As stated above, Welsh fails to disclose all of the elements of Claim 1, from which Claim 5 depends. In addition, Greiner fails to teach or suggest at least the elements “at least one of the segments included in said data file corresponds to a plurality of source locations” and “selecting one said source location for each said segment”, as recited in Claim 1. Therefore, Greiner does not cure the deficiencies of Welsh with respect to Claim 1. Accordingly, neither Welsh nor Greiner, alone or in combination, teach or suggest all of the elements of Claim 1. Applicants submit that Claim 5 is allowable at least due to its dependency on Claim 1.

Claims 9 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Welsh as applied to Claims 1-3, 6-8, 10-13, 15-16 and 18-21 above, and further in view of U.S. Patent No. 6,486,892 to Stern (hereinafter “Stern”). Applicants respectfully traverse the rejection because Welsh in view of Stern fails to teach or suggest all of the elements in Claims 9 and 14.

As stated above, Welsh fails to disclose all of the elements of Claim 1, from which Claims 9 and 14 depend. In addition, Stern fails to teach or suggest at least the elements “at least one of the segments included in said data file corresponds to a plurality of source locations” and

“selecting one said source location for each said segment”, as recited in Claim 1. Therefore, Stern does not cure the deficiencies of Welsh with respect to Claim 1. Accordingly, neither Welsh nor Stern, alone or in combination, teach or suggest all of the elements of Claim 1. Applicants submit that Claims 9 and 14 are allowable at least due to their dependency on Claim 1.

Conclusion

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If any issues remain, the Examiner is invited to contact the undersigned at the telephone number below.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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